UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

GERALD N. BOYD,)	
Plaintiff,)	
V.)	No. 4:07CV1136 CDF
JAMES CRAWFORD,)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Boyd's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition is successive and shall be summarily dismissed.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

Petitioner was sentenced by the state court in 1988. Petitioner sought state and federal habeas relief after the conviction. The denial of petitioner's federal habeas petition was affirmed by the United States Court of Appeals for the Eighth Circuit on September 14, 1993. <u>Boyd v. Groose</u>, 4 F.3d 669 (8th Cir. 1993).

To the extent that petitioner seeks to relitigate claims that he brought in his original petition, those claims must be denied pursuant to 28 U.S.C. § 2244(b)(1). To

the extent that petitioner seeks to bring new claims for habeas relief, petitioner must

obtain leave from the United States Court of Appeals for the Eighth Circuit before he

can bring those claims in this Court. 28 U.S.C. § 2244(b)(3)(A). Petitioner has not

been granted leave to file a successive habeas petition in this Court. As a result, the

petition shall be dismissed.

Accordingly,

IT IS HEREBY ORDERED that Boyd's petition for writ of habeas corpus is

DISMISSED.

Dated this 20th day of July, 2007.

CATHERINE D. PERRY

UNITED STATES DISTRICT JUDGE

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